

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENDERICK FABRICIO,

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Plaintiff,

Docket Number:

16-CV-8731(CM)

-Against-

AMENDED
COMPLAINT

Supt. T. Griffin, Dep. S.S. E. Burnett, Dep. S.S. D. Wilkins,
Capt. Carry, Lt. Hann, Lt. Murphy, Sgt. Surber,
Sgt. Rodriguez, Sgt. Miller, Sgt. Conforti, C.O. V. Cruz,
C.O. O. Chavers, C.O. J. Erns, C.O. Chase, C.O. Valle,
C.O. Tagliaferri, C.O. Corey, C.O. Carlson, C.O. Phillips,
C.O. Brokaw, C.O. Lorde - Gray, C.O. Sullivan, I.G. Ortiz,
I.G. John Doe, I.G. Isaac, IGP Stanaway, Dr. Bentivegna,
Impostor Inspector General Keyser

UNDER THE
CIVIL RIGHTS
ACT, 42 U.S.C.

§ 1983

PRISONER
COMPLAINT

JURY TRIAL:
YES

-Defendants-

I. Jurisdiction

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation under color of state law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C. section 1331 and 1343(a)(3). ① Failure to Protect ② Inhumane & Cruel Treatment.
2. The United States District Court, Southern District of New York is an appropriate venue under 28 U.S.C. section 1341(b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiffs

3. Plaintiff Ederick Fabricio, is and was at all times mentioned herein a prisoner of the state of New York in the custody of New York State, Department of corrections and community supervision. I am currently confined in Elmira Correctional Facility, Elmira New York.

III. Defendants

4. Defendant Supt. T. Griffin, is the Superintendent of Green Haven Correctional Facility, he is legally responsible for the operations of Green Haven Correctional Facility and executes its Policies.

5. Defendant Dep. ss. E. Burnett, was a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of Deputy and was assigned to Green Haven correctional facility.
6. Defendant Dep. ss. D. Wilkins, is the Deputy superintendent of security and the Hearing officer at the Plaintiff Superintendents hearing of the New York state Department of corrections, who at all times mentioned in this complaint held the rank of Deputy of security and was assigned to Green Haven correctional facility.
7. Defendant Capt. Carry, is a correctional officer of the New York state, Department of corrections, who at all times mentioned in this complaint, held the rank of Captain and was assigned to Green Haven correctional facility.
8. Defendant Lt. Hann, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of Lieutenant and was assigned to Green Haven correctional facility.
9. Defendant Lt. Murphy, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of Lieutenant and was

assigned to Green Haven correctional facility.

10. Defendant Sgt. Surber, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of sergeant and was assigned to Green Haven correctional facility.
11. Defendant Sgt. Rodriguez, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of sergeant and was assigned to Green Haven correctional facility.
12. Defendant Sgt. Miller, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of sergeant and was assigned to Green Haven correctional facility.
13. Defendant Sgt. Conforti, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of sergeant and was assigned to Green Haven correctional facility.
14. Defendant C.O. V. Cruz, was a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional

officer and was assigned to Green Haven correctional facility.

15. Defendant C.O.O. Chavers, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
16. Defendant C.O. J. Erns, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
17. Defendant C.O. Chase, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
18. Defendant C.O. Valle, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
19. Defendant C.O. Tagliaffery, is a correctional officer of the New York State, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was

assigned to Green Haven correctional facility.

20. Defendant C.O. Corey, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
21. Defendant C.O. Carlson, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
22. Defendant C.O. Phillips, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
23. Defendant C.O. Brokaw, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
24. Defendant C.O. Lorde-gray, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and

was assigned to Green Haven correctional facility.

25. Defendant C.O. Sullivan, is a correctional officer of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of correctional officer and was assigned to Green Haven correctional facility.
26. Defendant I.G. Ortiz, is a Inspector General of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of Inspector General and was assigned to Green Haven correctional facility.
27. Defendant I.G. Isaac, is a Inspector General of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of Inspector General and was assigned to Green Haven correctional facility.
28. Defendant I.G. John Doe, is a Inspector General of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of Inspector General and was assigned to Green Haven correctional facility.
29. Defendant Impastor Inspector General Keyser, is a suspect Inspector General of the state of New York, Department of corrections who at all times mentioned in this complaint,

held the rank of a Impastor Inspector General and was assigned to Green Haven correctional facility.

30. Defendant IGP Stanaway, is a supervisor of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of **IGP** supervisor and was assigned to Green Haven correctional facility.

31. Defendant Dr. Bentivegna, is a Doctor of the New York state, Department of corrections who at all times mentioned in this complaint, held the rank of Doctor and was assigned to Green Haven correctional facility.

IV. STATEMENT OF FACTS

32. At the Green Haven correctional facility, Between late April and May 2014, the Plaintiff came out in the facility change sheet, that he was moving to (E) block, because the Administration had gave him the mid-night job in the clinic second floor. (Ex. J-26, J-34, E-1

33. But the Plaintiff never went to the Building 2 Program committee or wrote to the Program committee asking for any job. (Ex. J-26, J-34, E-1

34. That night around 10:00 PM. the Plaintiff went to the clinic second floor from his cell in (E) block. There a correctional officer show

the Plaintiff what he had to do at the job. Then later while the Plaintiff was watching T.V., the same correctional officer came and told the Plaintiff that they had made an error and that the Plaintiff was supposed to be in the other side of the jail, as U.P.D. Midnight Porter. (Ex. J-26, J-34, E-1)

35. Then another correctional officer came and escorted the Plaintiff from the East side of the jail to the West side, (C) Block. (Ex. J-26, J-34)
36. And the correctional officer that was working there, showed the Plaintiff the cage where he had to stay overnight, and when the Plaintiff saw that it was a ice machine making loud noise, was no toilet, no sink, had a stretcher for if the Plaintiff had to sleep. (Ex. J-26, J-34, E-1)
37. The Plaintiff asked the correctional officer if he could go back to his cell. (Ex. J-26, J-34, E-1)
38. The correctional officer left and came back with an inmate (first name Jose) that used to work on the second floor - Honor Block. (Ex. J-26, J-34)
39. And that inmate convinced the Plaintiff to stay overnight inside the cage, where they kept the light on all night. (Ex. J-26, J-34, E-1)
40. A few days later they moved the Plaintiff to (B) Block, there the Plaintiff complained to the C.O. Garcia and told him to please call program committee, because they were giving him programs

that he had never ask for, and the C.O. Garcia told the Plaintiff to chill-out, that he was hanging around building 2 and the secretary Taylor had told him that they had make a mistake. (Ex. J-26, J-34, E-1

41. On May 12, 2014, the C.O. Garcia went to the Plaintiff cell and gave him a program card, that say's that the job giving to the Plaintiff was U.P.D. Porter in the afternoon and in the evening. (Ex. J-26, J-34, E-1
42. But the Plaintiff never went to the Building 2 program committee or wrote the Program committee asking for any job. (Ex. J-26, J-34, E-1
43. That night of May 12, 2014, the Plaintiff was goin to the yard, went they pull him out the line and search him, by C.O. Blake and C.O. Imperati III, (Ex. J-26, J-34, E-1
44. They toll him that he could not have the sneakers that the Plaintiff had on, (Ex. J-26, J-34, E-1
45. SO the Defendant Sgt. Rodriguez told the Plaintiff to go back to his cell, change the sneakers, give the ones that he could not have to the C.O. and that after that he could go to the yard. (Ex. J-26, J-34, E-1
46. And the Plaintiff did exactly that and went to the yard. (Ex. J-26, J-34, E-1
47. AS soon as the Plaintiff went to the yard, the Plaintiff call his

mother and told her about what was going on, and to Please to call his cousin (Yomarís Rosario), so she could call the Lawyer Jonathan Edelstein, just in case they try to do something to him.

(Ex. J-26, J-34)

48. About 30 minutes later the Defendant Sgt. Rodriguez and the C.O. Imperati III, Pull the Plaintiff out the yard. And the C.O. Blake and C.O. Imperati III search the Plaintiff, handcuff him, and the Defendant Sgt. Rodriguez took the Plaintiff to S.H.U. where they strip search him and put him in S.H.U. #50 cell. (Ex. M-2, J-26, J-34, E-1)

49. And on the ui report that Plaintiff receive, from the misbehavior report of May 12, 2014 it says: Sir, acting upon confidential information given to D.S.S. Burnett by an unknown inmate stating (and the rest of the Paragraph is black out). (Ex. H-2, J-26, J-34,

50. The misbehavior report was written by C.O. Imperati III and the special search was authorized by Defendant Sgt. Rodriguez. (Ex. H-1, J-26, J-34

51. One morning between May 12-June 11, 2014, Defendant Sgt. Rodriguez came around S.H.U. and the Plaintiff stop him and told him that his officers has stolen some Packs of cigarettes from his cell. (Ex. J-26, J-34, E-1)

52. And Defendant Sgt. Rodriguez told the Plaintiff that it could not be his officers, because he was Present when they was doing the cell search, and the Plaintiff ask him, why he ain't endorse the

misbehavior report, and Defendant Sgt. Rodriguez made some kind of excuse and left. (Ex. J-26, J-34, E-1)

53. Later that same day, 2 C.O.s took the Plaintiff out his cell, the Plaintiff thought that he was going to the tier hearing, but they put the Plaintiff inside a cell in a room, (Ex. J-26, J-34, E-1)

54. Then a white male came inside of that room and told the Plaintiff that he was a Inspector General and that his name was Keyser. (Ex. J-26, J-34, B-27, B-37, E-1)

55. But the Defendant Impostor Inspector General Keyser never show the Plaintiff any identification. (Ex. J-26, J-34, B-27, B-37, E-1)

56. Then Defendant Impostor Inspector General Keyser began to ask the Plaintiff, if he knew about any correctional officer that was bringing Drugs in Green Haven corr. fac. ect. (Ex. J-26, J-34, E-1)

57. After Defendant Impostor Inspector General Keyser finish interrogatin the Plaintiff, the same 2 C.O.s put the Plaintiff back in his cell. (Ex. J-26, J-34, E-1)

58. As soon as the Plaintiff got inside his cell, he call Inmate Kevin Zimmerman, who was in #48 cell and told him that a white male came to interrogate him and told him that he was an Inspector General of a name Keyser. But the Plaintiff told Kevin

Zimmerman that he ain't believe that, that white male was an Inspector General, because he never show him any identification, ain't know who was doing his hearing, ain't had any copy of his misbehavior report, but knew exactly the amount of Pills that they got out his cell and the amount of miligrams, and never wrote nothing down, and that was a coincidence that, that morning Defendant Sgt. Rodriguez was doing rounds in S.H.U. (Ex. D-47, J-26, J-32, J-34, E-1)

59. And in the S.H.U. area are cameras and audio, in the tanks where the cells are, and in the rooms. (Ex. J-26, J-34, E-1)

60. In June 11, 2014 the Plaintiff went to his tier hearing in front of counselor Gonzalez and the counselor Cruz did the translation. Gonzalez drop the control substance charge, so the Plaintiff plead guilty for unauthorized medication and smuglin, because he thought that because he used to work in the counselor area before and used to be cool with them, that Gonzalez was goin to be eased on him. (Ex. J-26, J-34, E-1)

61. And the counselor Gonzalez gave the Plaintiff the 30 days that the Plaintiff had did already in S.H.U. plus 5 months and a week keeplock. (Ex. H-3, J-26, J-34, E-1)

62. In June 12, 2014 the Plaintiff was move to (F) Block #135 cell. (Ex. J-26, J-34, E-1)

63. And as soon as the Plaintiff start to come out to his keeplock

hour recreation, the Defendant C.O. J. Erns and the C.O.s Grober, Hart, Goehl and Sgt. Kutz, began to harass the Plaintiff, (Ex. J-26, J-34, E-1

64. And inmates friends of the Plaintiff began to tell him "upon information and belief" that the Defendant C.O. O. Chavers was Pregnant by another correctional officer. (Ex. D-43, D-44, D-46, M-2, J-26, J-34, E-1
65. This Defendant C.O. O. Chavers used to correspond with the Plaintiff (using the name of Chastity Sepulveda and a address from a P.O. Box 60262 Rochester, N.Y. 14606) since July 2013. (Ex. G-1-49, J-8, J-26, J-34, J-36, J-38, E-1
66. The Plaintiff also use to call and leave message to the Defendant C.O. O. Chavers almost everyday through his mother 3 way (Norma L. Rosario). (Ex. J-26, J-34, J-36, J-38, J-40, E-1
67. Defendant C.O. O. Chavers also used to text message the Plaintiff sister (Dayna L. Fabricio) and the Plaintiff sister also used to text message Defendant C.O. O. Chavers. (Ex. J-2, J-8, J-13, J-26, J-34, J-36, J-38, J-40, E-1
68. Around July 2014, while the Plaintiff was goin to his keeplock recreation, a C.O. stop him outside of (F) Block and in front of (G) Block, when all of a sudden they open the door of (G) Block and the Defendant C.O. O. Chavers came out of the (G) Block office, looking like she was Pregnant, while she was looking real nervous, and the C.O. that had open the (G) Block door, just close it, and the C.O. that had stop the Plaintiff, told him to go to his keeplock recreation. (Ex. J-26, J-34

69. After that day the Defendant C.O. O. Chavers who used to work in (G) Block and used to run the Paint Crew, stop working inside the facility, and supposey was, "upon information and Belief" to take care the Pregnancy. (Ex J-26, J-34, E-1)
70. Like a week later they move the Plaintiff to (A) Block #262 cell. (Ex J-26, J-34, E-1)
71. In August 22, 2014 Defendant C.O. V. Cruz got arrested with charges of bribe receiving, criminal possession of marijuana and official misconduct, by State Police. (Ex M-3, H-4, J-26, J-34, L-9, E-1)
72. This Defendant C.O. V. Cruz hire the Plaintiff in 2012 to be his Porter in the area of Building 2. (Ex D-43, D-44, D-46, M-2, C-34, C-35, J-11, J-26, J-30, J-34, J-38, E-1)
73. The Day of the Defendant C.O. V. Cruz arrest "upon information and Belief" the administration transfer out that facility who used to be the Plaintiff co-worker (inmate Johnny Onega). (Ex D-46, J-26, J-34)
74. That same day when the Plaintiff was coming from his keeplock recreation the C.O. Shetsky search him and who used to be Defendant C.O. V. Cruz swapt-partner C.O. Smith escort the Plaintiff back to the Block. (Ex J-26, J-34, E-1)
75. And whenever the Plaintiff went after that day, he was harass, Intimidated, Provoke and call out his name, with words like

undercover, Rat, snitch, shota, not culture, maricón, motherf*cker, cabroñ and more by the Defendants C.O. Valle, Sgt. Monroe and C.O.s Shetsky, Croofot, Garcia, Westlie, Blake, Batista, Abreu, Martinez, Smith who used to be Defendant C.O. v. Cruz swap-partner and Sgt. Yando. (Ex. C-34, C-35, B-12, D-46, J-26, J-34, E-1)

76. Then in September 19, 2014 a search team went to search Green Haven correctional facility. (Ex. H-4, J-26, J-31, J-34, E-1)

77. While that search team was in (A) block, the Plaintiff went with a escort to the clinic and when the Plaintiff got to the first floor in (A) block, he saw the Defendant Sgt. Rodriguez talking with C.O. Flores. (Ex. J-26, J-34, E-1)

78. Then when the Plaintiff was waiting in the clinic for his medication, the C.O. Garcia came and stood in front of the Plaintiff dress like them People that came to Green Haven to search the jail. (Ex. J-26, J-34, E-1)

79. When the Plaintiff got back to (A) block the Defendant Sgt. Rodriguez was still talking with the C.O. Flores. (Ex. J-26, J-34, E-1)

80. And that front side of (A) block was full of trays. But that night the Plaintiff and everybody in his gallery ain't receive a feed-up tray. (Ex. J-26, J-34, E-1)

81. The following day, the secretary Taylor came to do the feed-up

in the Plaintiff gallery and she stood in front of the Plaintiff cell and told him that Cruz and Johnny over did it. (Ex. J-26, J-34)

82. "upon information and belief" after the search team finish searching the jail, the Plaintiff heard that the counselor Gonzalez that had gave the time in confinement to the Plaintiff, stop working at Green Haven corr. fac. (Ex. J-26, J-34)
83. And things started to get more serious, so the Plaintiff had friends calling his family, so they can send a family member to come to see him and contact a Lawyer. (Ex. J-26, J-34)
84. And the Plaintiff Cousing (Yomaris Rosario) came to see him in October 2014 from Florida for a day, and she contact Lawyer Jonathan Edelstein. (Ex. J-26, J-34)
85. That day after the Plaintiff came out of the visit with his Cousing, Sgt. Lonzack took the Plaintiff belt and sent him back to his cell. (Ex. J-26, J-34)
86. Then on November 5, 2014 the Plaintiff went to get a package and when the Plaintiff came out of the Package room, the Plaintiff saw the Defendant Impastor Inspector General Keyser talking with the C.O. Alvarez and the Plaintiff told the C.O. Alvarez that when he finish, he would like to talk with the Defendant Impastor Inspector General Keyser, so moments later

the Defendant Impostor Inspector General Keyser went and talk with the Plaintiff, and the Plaintiff ask him if he could remember him and the Defendant Impostor Inspector General Keyser told the Plaintiff, Yes, that he remember that they had found 29 (600) milligrams Neurontin out his cell. (Ex. J-26, J-34, E-1)

87. And the Plaintiff ask the Defendant Impostor Inspector General Keyser, if he could show his identification, and he told the Plaintiff, that if he though that they had set him up, that he could write his office, But the Plaintiff told him that he ain't believe that he was a Real Inspector General, and again the Defendant told the Plaintiff that if he though that they had set him up, that he could write his office. (Ex. J-26, J-34, B-27, B-29, E-1)
88. So the Plaintiff ask the Defendant Impostor Inspector General Keyser to write his name in a Paper, and the Defendant took a piece of Paper from his notebook and wrote Keyser on the Paper. (Ex. F-1, J-2 J-4, J-5, J-26, J-34, J-47, B-29, E-1)
89. The Plaintiff took the Paper and left, and while the Plaintiff was walking back to (A) block, the Defendant Impostor Inspector General Keyser call the Plaintiff and the Plaintiff stop and then he ask the Plaintiff, that why he though that he was being set-up, and the Plaintiff told him, that he though that because he never show no identification, ain't know who was doing his hearing, ain't had a copy of the misbehavior report, but that he knew exactly

the amount of neurotizing and the miligrams that they had found in his cell, and that it was a coincidence, that that same day that he interrogate him, the Plaintiff had talk to the Defendant Sgt. Rodriguez earlier that day. (Ex. B-27, J-26, J-34

90. And the Defendant Impostor Inspector General Keyser told the Plaintiff again to write his office. But never show the Plaintiff any identification. (Ex. J-26, J-34, E-1

91. In November 9, 2014 the Plaintiff Brother (Derek Fabricio) came from Puerto Rico to see the Plaintiff because the family was worried of what was goin on with the Plaintiff, and during the visit the Plaintiff Brother told him, that he had left him 2 bags of candys in the Package room, (Ex. J-26, J-34, B-6, B-9, E-1

92. After the visit, when the Plaintiff went to Pick his packages, the C.O. that was there, only gave the Plaintiff one bag of candys and told the Plaintiff that, that was all that they had for him. (Ex. B-6, J-26, J-34

93. In November 17, 2014, the Plaintiff went to the Package room and the C.O. Santoro told the Plaintiff that they had left him a bag of candys on the visit, but that he could not have that, so the Plaintiff ask the C.O. Santoro to show him where it say that he could not have those candys, and the C.O. Santoro immediately start to get loud, and the Plaintiff ask her to call the Package room sergeant and when

the Plaintiff ask the C.O. Santoro for her name, she close the Package room window. (Ex. J-26, J-34, B-1, E-1)

94. Then the C.O. Smith told the Plaintiff to go to the west side bullpen and wait there for the sergeant. (Ex. J-26, J-34, B-1)
95. While the Plaintiff was waiting for the sergeant the C.O. Bennett-Tibbs started screaming (that this guy is a Idiot) (I Hate this guy). (Ex. J-26, J-34)
96. Then Defendant Sgt. Conforti came to the area with like 15 other correctional officers, and surround the plaintiff while Defendant Sgt. Conforti was screaming to the Plaintiff (to leave before it get ugly), (Ex. J-26, J-34, B-1)
97. And the Plaintiff told the Defendant Sgt. Conforti, if he came to fix the Problem or to jump him, (Ex. J-26, J-34, B-1)
98. And Defendant Sgt. Conforti told one of the C.O.'s to keeplock the Plaintiff, and take him back to his cell. (Ex. C-34, C-35, B-1, B-2, B-7, B-8, B-9, H-5, H-6, J-26, J-34)
99. "upon information and belief" the following day the Administration of Green Haven change the all Executive Team. (Ex. J-26, J-34, E-1)
100. And on November 20, 2014, the new Superintendent, Defendant Supt. T. Griffin came by walking with the new Deps. Collado and Williams and

Defendant C.O. Valle through (A) block 5 gallery. (Ex. J-26, J-34, E-1)

101. And the Plaintiff stop the Defendant Supt. T. Griffin and ask him if he knew who he was, and he say no, and the Plaintiff told him that he was having some Problems and Defendant Supt. T. Griffin told him to write him and left. (Ex. J-26, J-34, E-1)
102. In November 21, 2014 the Defendant C.O. Valle wrote the Plaintiff a misbehavior report with false accusations (Ex. H-8, J-26, J-34, B-12, E-1)
103. In November 25, 2014 the Plaintiff wrote a letter to Defendant Supt. T. Griffin, to the Office of Inspector General and other agencies about what was goin on with the Plaintiff. (Ex. C-34, L-1, L-2, J-26, J-34, E-1)
104. In November 26, 2014, before breakfast, a correctional officer took the Plaintiff out his cell and escort him to the disciplinary room, (Ex. J-26, J-34, E-1, B-19, B-20)
105. Once there they put the Plaintiff in a room and Defendant Lt. Hann began directing the tier hearing, from the incident of November 17, 2014 while counselor Santana did the translation, then Defendant Lt. Hann ask the Plaintiff that who he want to call as a witness and why, then Defendant Lt. Hann act like she was calling, and told the Plaintiff, that it was to earlier and Postponed the hearing. (Ex. J-26, J-34, E-1, B-19, B-20)
106. Then the C.O. Anspach escort the Plaintiff back to his cell. (Ex. J-26, J-34, E-1, B-19, B-20)

107. Then almost immediately Defendant C.O. Valle and the C.O. Crofoot took the Plaintiff out his cell and began to search his cell. (Ex. B-12, J-26, J-34, E-1, B-19, B-20)
108. And while Defendant C.O. Valle was intimidating the Plaintiff, the C.O. Crofoot finish searching the Plaintiff cell, then they lock him in his cell and left. (Ex. J-26, J-34, E-1, B-19, B-20)
109. Then like 2 minutes later Defendant C.O. Valle came back and stood in front of the Plaintiff cell and the Plaintiff ask him, that what was happening? (Ex. J-26, J-34, E-1, B-19, B-20)
110. And Defendant C.O. Valle told the Plaintiff that they was coming to get him, because he says, that the Plaintiff had told him and the C.O. Crofoot that he wanted to kill himself, (and that was a calculated Lie). (Ex. B-12, J-26, J-34, B-27, E-1, B-19, B-20)
111. Then came Sgt. Yando, Defendant C.O. Chase and C.O. Freeman and handcuff the Plaintiff and took him to the P.S.U. area. (Ex. J-26, J-34, E-1, B-19, B-20)
112. Where they put him in a room to see Psychiatrist Dra. Ross, and after the Plaintiff finish the evaluation with Dra. Ross, she told the C.O. Blot Jr. to take the Plaintiff handcuff off and to take him back to his cell. (Ex. B-22, J-26, J-34, B-12, B-27, E-1, B-19, B-20)
113. But before they took the Plaintiff back to his cell, they put him

in a waiting room, and the 2 Porter workers from that area (Reggie Vega #07A5785) and (Jose) told the Plaintiff that they had them cleaning a tank, because somebody was coming, before they took the Plaintiff to that area. (Ex. J-26, J-34)

114. Then the next day the Plaintiff was given a misbehavior report with (6) charges and says that the cell search was authorize by the Defendant Lt. Hann. (Ex. H-10, J-26, J-34, E-1, B-19, B-20)
115. The Plaintiff wrote another letter to the Defendant Supt. T. Griffin dated: November 28, 2014 and to the office of Inspector General about what happen in those days to the Plaintiff. (Ex. B-12, J-26, J-34, E-1)
116. In December 1, 2014 the Defendant C. O. Valle continue his harassment and wrote another misbehavior report against the Plaintiff. (Ex. H-12, J-34, B-12, E-1)
117. The Sgt. Monroe also came that day with Defendant C. O. Valle and took the Plaintiff radio. (Ex. H-12, J-26, J-34, B-12, E-1, H-32)
118. In December 6 and 8 2014 the Plaintiff sister Dayna L. Fabricio and Brother in Law Ansoer Agosto came from Puerto Rico to visit the Plaintiff, and during the visit Dayna L. Fabricio told the Plaintiff that she had call the Inspector General office and had told them about what was goin on with the Plaintiff at the Green Haven correctional facility. (Ex. J-26, J-34, E-1)

119. And Dayna L. Fabricio told the Plaintiff that the office of Inspector General told her that they could not intervene because nobody had touch the Plaintiff. (Ex. J-26, J-34, J-46)
120. In December 22, 2014 the Defendant C.O. Tagliaferry gave the Plaintiff his I.D. back and told him that he was off keeplock. (Ex. J-26, J-34, E-1)
121. And the Plaintiff still had at that moment, 2 hearings still pending, from 2 different misbehavior reports, because they had not reach any determination. (Ex. H-7, H-11, J-26, J-34)
122. That night they told the Plaintiff that he was off keeplock, but that he was loss of Phone and loss of recreation ect. (Ex. J-26, J-34, E-1)
123. In December 29, 2014 the Plaintiff was put back on keeplock and was given a misbehavior report by C.O. Weslie, for another calculated incident. (Ex. H-15, J-26, J-34, E-1)
124. In January 14, 2015 the correctional officer that took the list for diner and night recreation told the Plaintiff that he was off keeplock but loss of Phone. (Ex. J-26, J-34, E-1)
125. When the Plaintiff went to the recreation, a friend of the Plaintiff (Osvaldo Rosario #1040117) call his mother in a 3-way for him. (Ex. D-46, J-26, J-34, E-1)